

# Memorandum



(Public Hearing 12-1-09 )

**Date:** October 6, 2009

**To:** Honorable Chairman Dennis C. Moss  
and Members, Board of County Commissioners

Special Item No. 1

**From:** George M. Burgess  
County Manager

**Subject:** Ordinance Acting Upon Capital Improvements Element Amendment Application Filed During The April 2009 Cycle Of Applications To Amend The CDMP.

## **RECOMMENDATION**

It is recommended that the Board of County Commissioners (Board) adopt the attached Ordinance, (Special Item No. 1), which provides for the Board to adopt, adopt with change, not adopt, or deny the proposed April 2009 Cycle Application No. 7 to amend and update the text, policies, and the Six-Year Schedule of Improvements in the Capital Improvements Element (CIE) of the Comprehensive Development Master Plan (CDMP). The CDMP application No.7 will be transmitted to the Planning Advisory Board (PAB) on October 5, 2009 as "proposed" as of this writing, since actions taken by the Board on the debt service millage will require modifications to the Building Better Communities General Obligation Bond Program project schedules as included in the final adopted FY 2009-10 Capital Budget and Multi-Year Capital Plan. This in turn will require modifications to the CIE. The Board will take final action on the Ordinance at the CDMP transmittal hearing of November 4, 2009. Application No. 7 includes proposed CIE projects.

## **SCOPE**

The CDMP is a broad-based countywide policy-planning document to guide future growth and development to insure the adequate provision of public facilities and services for existing and future populations, and to maintain and/or improve the quality of the natural and man-made environment in Miami-Dade County. The April 2009 Cycle update to the Capital Improvements Element of the CDMP has a countywide impact.

## **FISCAL IMPACT**

Fiscal Impact means the cost to Miami-Dade County of implementing the activities or actions that would be incurred after approval of the Ordinance. Changes and updates to the text and policies of the Capital Improvements Element of the CDMP proposed during the April 2009 Cycle of amendments would have no fiscal impact to the County.

## **TRACK RECORD/MONITOR**

The Department of Planning and Zoning monitors the schedule of improvements in the Capital Improvements Element. This allows for the County's plan to maintain compliance with the state requirements as a financially feasible plan.

## **BACKGROUND**

Chapter 163, Part II, of the Florida Statutes (F.S.), requires that additions or deletions of capital projects to/from Miami-Dade County's Six-year Schedule of Improvements in the CIE, including the identification of a change at the start or completion date of a capital project, be accomplished by a plan amendment. Furthermore, under Section 163.3177(3)(b)1, F. S., Miami-Dade County is required to review and update, on an annual basis, the Capital

Miami-Dade County is required to review and update, on an annual basis, the Capital Improvements Element of the CDMP and its Six-Year Schedule of Capital Improvements. This section of the Florida Statutes also requires the implementation of this new requirement to be completed no later than December 1, of each year. In addition, Sections 163.3187(1)(f) and 163.3177(3)(b)2, F.S., allow Miami-Dade County to adopt annual updates to the CIE up to three times per year, each through an expedited process that requires only one public hearing before the Board.

The attached Ordinance provides for separate actions by the Board specific to Application No. 7 filed by the Department of Planning and Zoning (DP&Z) during the April 2009 Cycle of Applications requesting amendments to the CDMP. In compliance with Chapter 163, Part II, F.S., Application No. 7 is a request to amend the text and policies of the Capital Improvements Element of the CDMP and amend the Miami-Dade County's Six-Year Schedule of Capital Improvements. Additionally, Application No. 7 contains the updated tables with the schedules of Miami-Dade County's programmed capital improvements.

Attachments

  
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Alex Muñoz  
Assistant County Manager



# MEMORANDUM

(Revised)

TO: Honorable Chairman Dennis C. Moss      DATE: December 1, 2009  
and Members, Board of County Commissioners

FROM: R. A. Cuevas, Jr.  
County Attorney

SUBJECT: Special Item No. 1

Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☒ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's \_\_\_\_, 3/5's \_\_\_\_, unanimous \_\_\_\_ ) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved \_\_\_\_\_ Mayor

Special Item No. 1

Veto \_\_\_\_\_

12-1-09

Override \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

ORDINANCE RELATING TO MIAMI-DADE COUNTY  
COMPREHENSIVE DEVELOPMENT MASTER PLAN; ACTING  
UPON CAPITAL IMPROVEMENTS ELEMENT AMENDMENT  
APPLICATION FILED IN APRIL 2009 CYCLE TO AMEND,  
MODIFY, ADD TO OR CHANGE THE COMPREHENSIVE  
DEVELOPMENT MASTER PLAN; PROVIDING SEVERABILITY,  
EXCLUSION FROM THE CODE AND AN EFFECTIVE DATE

**WHEREAS**, the Miami-Dade County Board of County Commissioners (Board) has provided a procedure, codified as Section 2-116.1 of the Code of Miami-Dade County, Florida (the Code) to amend, modify, add to or change the Miami-Dade County Comprehensive Development Master Plan (CDMP); and

**WHEREAS**, Miami-Dade County's procedures reflect and comply with the procedures for adopting or amending local comprehensive plans as set forth in Section 163, Part II, F. S.; and

**WHEREAS**, Miami-Dade County is required to review and/or update the Capital Improvements Element (CIE) of the CDMP, including the Six-Year Schedule of Capital Improvements on an annual basis as set forth in Section 163.3177(3)(b)1, F. S.; and

**WHEREAS**, Section 163.3177(3)(b)2, F. S. provides for an expedited process for adopting the updates to the Capital Improvements Element of the CDMP by requiring only a single public hearing before the Board which shall be an adoption hearing; and

**WHEREAS**, the annual update to the CIE is exempt from the twice-per-year limitation on plan amendment adoptions, as per s.163.3187(1)(f), F.S., and from the procedures set forth in s. 2-116.1(1)-(7) of the Code; and

**WHEREAS**, the Department of Planning and Zoning (DP&Z) filed an application on June 1, 2009, to amend the text of the Capital Improvements Element of the CDMP and to update the Six-Year Schedule of Capital Improvements; and

**WHEREAS**, Staff application is identified as Application No. 7 in the document titled "April 2009 Applications to Amend the Comprehensive Development Master Plan," dated June 5, 2009; and

**WHEREAS**, the DP&Z published its initial recommendation addressing Application No. 7 in a report titled "Initial Recommendations April 2009 Applications to Amend the Comprehensive Development Master Plan" dated August 25, 2009; and

**WHEREAS**, the Board can, by ordinance, take final action to Adopt, Adopt With Change, or Deny Application No. 7 at the public hearing conducted; and

**WHEREAS**, this Board has conducted the public hearings required by the referenced procedures preparatory to enactment of this ordinance,

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that :**

Section 1. All matters set forth in the preamble are found to be true and are hereby incorporated by reference as if set forth verbatim and adopted.

Section 2. This Board hereby desires to take further action on the pending April 2009 Cycle Application No. 7 for amendments, modifications, additions, or changes to the Capital Improvements Element of the Miami-Dade County Comprehensive Development Master Plan as follows:

Application No.	Applicant/Representative REQUESTED CHANGE TO THE CDMP LAND USE PLAN MAP, POLICIES OR TEXT	Final Commission Action
7	Miami-Dade County Department of Planning and Zoning / Marc C. LaFerrier, AICP, Director  CAPITAL IMPROVEMENTS ELEMENT  A. In the CIE Schedules of Improvements-- Tables of Proposed Projects. Modify the following currently adopted tables as indicated in the application and related information: Table 2, Aviation; Table 3,	

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Application No.	Applicant/Representative REQUESTED CHANGE TO THE CDMP LAND USE PLAN MAP, POLICIES OR TEXT	Final Commission Action
	Coastal Management; Table 4, Conservation; Table 5, Drainage; Table 6, Park and Recreation; Table 7, Seaport; Table 8, Sewer Facilities; Table 9, Solid Waste Management; Table 10, Traffic Circulation; Table 11, Mass Transit; and Table 12, Water Facilities.  B. Revise any other summary table or related text in the Capital Improvements Element as necessary to be consistent with the additions, deletions, or changes made by Part A of this application.	

Section 3. If any section, subsection, sentence, clause, or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected thereby. If any portion of Application No. 7 is found to be not in compliance pursuant to Section 163.3184, F.S., the remainder of the Application shall not be affected thereby.

Section 4. It is the intention of the Board, and it is hereby ordained that the provisions of this ordinance shall be excluded from the Code of Miami-Dade County, Florida.

Section 5. This ordinance (overall amendment) shall become effective ten (10) days after the date of enactment, unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board, however, the effective date of any individual plan amendment included within the overall amendment shall be in accordance with the following language which is included at the request of the Florida Department of Community Affairs without any admission by Miami-Dade County of the authority of the Department of Community Affairs or any other governmental entity to request or require such language: "The effective date of any [individual] plan amendment approved by this ordinance [and included within the overall amendment] shall be the date a final order is issued by the Department of Community Affairs or Administration Commission finding the [individual] amendment in compliance in accordance with Section 163.3184(1)(b), Florida Statutes, whichever occurs earlier. No development orders,

development permits, or land uses dependent on such [individual] amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this [individual] amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be filed with the Clerk of the Board and sent to the Department of Community Affairs, Division of Resource Planning and Management, Plan Processing Team. The Department's notice of intent to find a plan amendment in compliance shall be deemed to be a final order if no timely petition challenging the amendment is filed."

PASSED AND ADOPTED:

Approved by County Attorney as  
to form and legal sufficiency.



Prepared by:



Joni Armstrong Coffey